

**noIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMOS TATE,)	
)	
Plaintiff,)	Case No. 1:11-cv-320-SJM-SPB
)	
v.)	
)	
OWNER PLYMOUTH TAVERN, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on December 27, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on July 20, 2012 [14], recommends that the *pro se* motion to strike the complaint filed by Defendant "Owner Plymouth Tavern" [8] be granted and that the remaining claims against Defendants "Bartender" and "Insurance Company" be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(e).

Plaintiff was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at his last known address of record. No objections to the Report and Recommendation have been filed to date. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 10th Day of August, 2012;

IT IS ORDERED that the motion to strike the complaint [8] filed by Defendant "Owner Plymouth Tavern" shall be, and hereby is, GRANTED and the request for sanctions is DENIED.

IT IS FURTHER ORDERED that the Plaintiff's remaining claims against Defendants "Bartender" and "Insurance Company" shall be, and hereby are, DISMISSED pursuant to the mandates of the Prison Litigation Reform Act, 28 U.S.C. §1915(e).

As a result of the foregoing, the instant civil action shall be marked "CLOSED."

The Report and Recommendation of Magistrate Judge Baxter, filed on July 20, 2012 [14], is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter